

**REMARKS**

Favorable reconsideration of this application, in light of the following remarks, is respectfully requested. Claims 1-27 are pending in this application. By this Amendment, no claims are amended, cancelled, or added. Claims 1, 8, 14, 18 and 22 are the independent claims.

Applicant thanks the Examiner's Supervisor, Charles Appiah, for assisting with the present application. As suggested by Mr. Appiah, Applicant files this response indicating that the newly cited reference, D'Evelyn, is improper for the reasons discussed below. Furthermore, Applicant notes that any subsequent Office Action other than a notice of allowance or Quayle Action should be non-final.

**Rejections under 35 U.S.C. § 102**

**Claims 1-27**

Claims 1-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by D'Evelyn et al. (U.S. 7,251,312) (hereinafter "D'Evelyn"). Applicant respectfully traverses this rejection for the reasons detailed below.

The Publication of D'Evelyn (U.S. Publication No. 2005/0053209, hereinafter "D'Evelyn Publication") was cited in a Final Office Action dated June 1, 2006 in the present application. In the June 1, 2006 Final Office Action, the Examiner cites the D'Evelyn publication reference as a basis for rejecting claims 1-27 under 35 U.S.C. § 102(e). On May 2, 2007, Applicant filed an Appeal distinguishing the D'Evelyn Publication reference from the independent claims. In response to Applicant's appeal, the Examiner withdrew the D'Evelyn Publication reference and re-opened prosecution citing a new reference (Maupin) in a Final Office Action dated November 28, 2007. Maupin was the only cited reference in the November 28, 2007 Final Office Action. Applicant notes that Maupin was also previously cited in the first Office Action dated November

11, 2005. In response to the November 28, 2007, Applicant filed an RCE and Amendment on February 28, 2008 further amending the claims and providing arguments distinguishing over Maupin.

In the current Office Action, the Examiner cites D'Evelyn, *again*, as a basis for rejecting claims 1-27 under 35 U.S.C. § 102(e). Because the D'Evelyn reference is the same disclosure as the D'Evelyn publication reference, Applicant incorporates the same arguments contained in our May 2, 2007 Appeal Brief. Therefore, Applicant respectfully requests the rejection to claims 1-27 under 35 U.S.C. § 102(e) be withdrawn.

#### Claims 8-10

Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Houde et al (U.S. 6,128,481) (hereinafter "Houde"). Applicant respectfully traverses this rejection for the reasons detailed below.

The Examiner asserts that Houde discloses "transmitting to the emergency call register and a public safety answering point call center at least one tag identifier from a mobile switching center associated with the at least one wireless unit in response to the emergency call from the at least one wireless unit" as recited in claim 8. Specifically, the Examiner asserts that message 45 of Houde reads on the "at least one tag identifier" of claim 8. Applicant disagrees. Rather, message 45 of Houde is a location request (LOCREQ) Invoke message or an origination request (ORREQ) Invoke message. Applicant submits that message 45 is not the "at least one tag identifier" within the meaning of claim 8. For instance, message 45 of Houde is not associated "with the at least one wireless unit", but rather merely a location request message. Furthermore, message 45 is not transmitted to both the emergency call register and the public safety answering point call center, but rather only to the SCP 46.

Therefore, Houde cannot disclose “transmitting to the emergency call register and a public safety answering point call center at least one tag identifier from a mobile switching center associated with the at least one wireless unit in response to the emergency call from the at least one wireless unit” as required by claim 8. Accordingly, Houde cannot anticipate claim 8. Claims 9 and 10, dependent on claim 8, are patentable for at least the same reasons stated above. Therefore, Applicant respectfully requests the rejection to claims 8-10 under 35 U.S.C. 102(b) be withdrawn.

**CONCLUSION**

In view of the above remarks and amendments, the Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

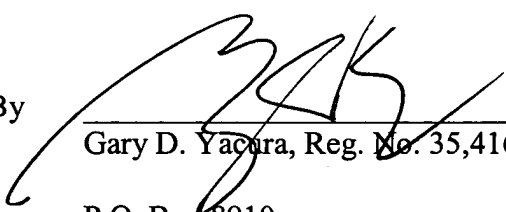
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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